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|--------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/763,665         | 01/23/2004  | Andrew R. Ferlitsch  | SLA1378             | 9384             |
| 55428              | 7590        | 01/30/2009           | EXAMINER            |                  |
| ROBERT VARITZ      |             |                      | MCLEAN, NEIL R      |                  |
| 4915 SE 33RD PLACE |             |                      | ART UNIT            | PAPER NUMBER     |
| PORTLAND, OR 97202 |             |                      | 2625                |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |
|------------------------------|--------------------------------------|---|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/763,665 | <b>Applicant(s)</b><br>FERLITSCH, ANDREW R. |
|                              | <b>Examiner</b><br>Neil R. McLean    | <b>Art Unit</b><br>2625                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 November 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 and 13-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 and 13-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/96/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Status of Claims***

1. Claims 1-7, and 13-15 are pending in this application.

Claims 8-12, and 16 and 17 have been canceled.

Claims 1, 2, 5, and 13 have been amended.

***Response to Arguments***

2. Applicant's arguments, see page 8, lines 9-15, filed 11/14/2008 with respect to the rejection(s) of claim(s) 1-7, and 13-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rosen (US 2003/0048473).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-5, 7, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen (US 2003/0048473).

Regarding Claim 1: (Currently Amended)

Rosen discloses a method for single-event downloading to a client device (The present invention relates to printing devices and, more particularly, to methods and systems for storing a printer driver in a printing device and providing the printer driver to a computer coupled to the printing device [0001]), and therein auto-configuring, an imaging device driver which, along with relevant configuration information, is embedded within the imaging device's included firmware per se, said method comprising

establishing between the client device and the imaging device an operative connection (e.g., Communication Link 212 in Figure 2), including a bi-directional, imaging-device communication port which is (a) compatible with both devices, and (b) the port via which imaging-job information will be exchanged between the devices (e.g., A communication interface 118 in Figure 1 is coupled to the print engine 102 and allows the print engine to communicate with other devices, such as other printers as described in [0031]),

in relation to said establishing, and utilizing the mentioned port, effecting via a single request a companion single-event download delivery therethrough directly from the imaging device to the client device of both (a) the imaging device's embedded imaging driver (Printer driver 114 may be stored in memory 112 or another nonvolatile storage device as described in [0028]), and (b) the imaging device's embedded, relevant configuration information (e.g., the print engine in a printer also contains a help file (i.e., help instructions for the user of the printer) that assists the user of the printer and/or the computer coupled to

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the printer to install printer drivers, update printer drivers, execute various printer functions, or perform other operations as described in [0043]), and

in association with said single-event effecting, and the resulting single-event, direct-from-imaging-device delivery, auto-configuring, in the client device, the thus directly delivered imaging driver utilizing the thus directly delivered configuration information (e.g., if the computer decides to use the printer driver stored in the printer, the printer communicates the printer driver to the computer (block 310). The computer then installs the printer driver and is able to communicate with the printer using the printer driver provided by the printer (block 312) as described in [0034]).

Regarding Claim 13: (CURRENTLY AMENDED)

Claim 1 teaches the method. Claim 13 is obvious in view of Rosen because the operation of the apparatus is achieved using the method steps of Claim 1.

Regarding Claim 2: (CURRENTLY AMENDED)

Rosen further discloses the method of claim 1, wherein said effecting includes issuing from the client device to the imaging device a request through the communication port for the direct delivery of the driver and the configuration information (e.g., the printing device communicates the device driver to the computing device in response to a request from the computing device to transmit the device driver as described in [0011]).

Regarding Claim 4: (ORIGINAL)

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The method of claim 2, wherein the communication port employed is IEEE 1284 ECP parallel port (e.g., communication interface may communicate via a parallel connection, a serial connection, a universal serial bus (USB) connection, or a wireless (e.g., infrared or radio frequency) connection as described in [0031]).

**Regarding Claim 5: (CURRENTLY AMENDED)**

Rosen further discloses the method of claim 2 which is employed with a client device which possesses an add-device process, and which further comprises integrationally linking the process of requesting, direct downloading and auto-configuring with such process (e.g., Additionally, other input devices (not shown) and/or output devices may be coupled to or attached to printer 202 as described in [0032]).

**Regarding Claim 7: (ORIGINAL)**

The method of claim 5, wherein the communication port employed is IEEE 1284 ECP parallel port (e.g., communication interface may communicate via a parallel connection, a serial connection, a universal serial bus (USB) connection, or a wireless (e.g., infrared or radio frequency) connection as described in [0031]).

**Regarding Claims 8-12: (CANCELLED).**

**Regarding Claim 15: (ORIGINAL)**

The downloading and configuring structure of claim 13, wherein said communication port is IEEE 1284 ECP parallel port (e.g., communication interface may

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communicate via a parallel connection, a serial connection, a universal serial bus (USB) connection, or a wireless (e.g., infrared or radio frequency) connection as described in [0031]).

Regarding Claims 16 & 17: (CANCELLED).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen as applied to claim 1 and 13 above, and further in view of applicant's admitted prior art.

Regarding Claim 3, and similar Claims 6, and 14:

Rosen discloses all of the limitations as disclosed in Claims 1, and 13. However, Rosen does not disclose expressly wherein the communication port employed is RAW port 9100.

Applicant discloses in the specification the "well known bi-directional RAW port 9100"; Page 6, lines 18-19). Rosen & Applicant's admitted prior art are combinable because they are from the same field of endeavor of image

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processing systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have the Applicant's communication protocol RAW port 9100 as a means of communication in the printing device of Rosen. The suggestion/motivation for doing so is to have a well known, fast, proven, supported, and standardized communication port to ensure proper transmission of image data. Therefore, it would have been obvious to combine the Applicant's communication protocol RAW port 9100 with the printing device of Rosen to obtain the invention as specified.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lomas et al. discloses a method of enabling installation of a network printer onto a client processor and employing a server for managing printer installations.

### ***Examiner Notes***

8. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or

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part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625